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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,400	11/06/2001	Roger Pellenc	1811-2	4957

24106 7590 02/13/2003

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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,400

Applicant(s)

PELLENC ET AL.

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

Specification

1. The disclosure is objected to because of the following informalities:
the reference numbers "M1, M2" appearing in page 9, line 9 do not appear in the drawings;
in line 15, page 9, it appears that either the word "fixed" or "installed" is unnecessary.
Appropriate correction is required.

Claim Objections

2. Claim 10 is objected to because of the following informalities: the phrases "on the one hand" and "on the other hand" appear to be in unconventional claim language. While the phrases do not render the claim indefinite, it is advised they be removed or rewritten.
Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Couser.

In regards to claim 1, Couser claims a removable universal tool-holder for a tractor comprising:

a main coupling chassis (12, 16, 20) constructed for mounting, in a removable manner on a tractor;

two secondary coupling chassis (21, 23), each comprised of a universal three-point hitch system (see column 4, lines 24-29);

mechanisms (see figures 5 and 7) connecting each secondary coupling chassis (21, 23) to the main coupling chassis (12, 16, 20); and

mechanisms (64, 45) that make it possible to move each secondary coupling chassis in a vertical or approximately vertical plane and, preferably, in a horizontal or approximately horizontal plane.

In regards to claim 2, Couser discloses that the mechanisms connecting each secondary coupling chassis (21, 23) to the main coupling chassis (12, 16, 20) comprise an arm comprised of one beam (see figure 7, 60) connected at a crosspiece to the secondary chassis (21, 23) and to the upper part and in the vicinity of one of the sides of the main coupling chassis (16, 20).

In regards to claim 3, Couser further discloses wherein the mechanisms connecting each secondary coupling chassis further comprise a connecting rod or tie rod (unnumbered) extending parallel to the beam (60), preferably above the rod, and comprising, with the beam (60), large sides of a deformable parallelogram arranged in a vertical plane (see figure 7).

In regards to claims 4 and 7, Couser discloses wherein pivotal movements of each carrier arm (60) in the vertical plane are obtained by means of a jack (89) arranged below the arm and connected to the main coupling chassis (20) and to the beam (60) by means of ball and socket joints, as per claim 7.

In regards to claim 5, Couser discloses wherein the mechanisms connecting each secondary coupling chassis to the main coupling chassis also comprise a connecting rod (58) extending parallel to the beam (60) and laterally relative to the beam (60) comprising with the beam (60), the large sides of a deformable parallelogram arranged in a plane perpendicular to the vertical plane (see figure 6).

In regards to claim 6, Couser discloses wherein the pivoting movement of the carrier arm (60) in the plane perpendicular to the vertical plane are obtained by means of a jack (45) arranged laterally relative to the arm and connected, by means of its ends and by means of joints, to the main coupling chassis (12). While the jack is not connected to the beam (14, 15, 18, 19), it has been held that rearranging parts of an invention involves only routine skill in the art.

In regards to claim 10, Couser further discloses a pin assembly (see figure 2, unnumbered) mechanism that allow for mounting of removable stands for resting when separated from the straddling tractor.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Couser as applied to claim 1 above, and further in view of Ellinger.

The device is disclosed as applied to claim 1 above. However, Couser fails to disclose wherein each secondary coupling chassis is comprised of a detector oriented downwards to control the position, relative to the ground, of the assembly comprised of this secondary coupling chassis and the machine installed, the detector or sensor monitoring a height of this assembly by means of the electro distributor of an appropriate hydraulic circuit.

Ellinger discloses a coupling chassis (12) comprised of a detector (42) oriented downwards to control the position, relative to the ground, of the assembly comprised of this coupling chassis (12) and the machine installed (16), the detector or sensor (42) monitoring a height of this assembly by means of an appropriate hydraulic circuit (24, 34, 36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the sensor of Ellinger on the device of Couser in order to automatically maintain the height of the implement relative to the ground.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Couser in view of Bobard.

The device is disclosed as applied to claim 1 above. However, Couser fails to disclose wherein the secondary coupling chassis is comprised of a hydraulic motor having an output shaft that is comprised of coupling instruments similar to the power take-off shaft of a farm tractor.

Bobard further discloses wherein the secondary coupling chassis (12) is comprised of accommodations for a hydraulic motor having an output shaft that is comprised of a coupling instrument similar to the power take-off shaft of a farm tractor (see column 3, lines 3-7).

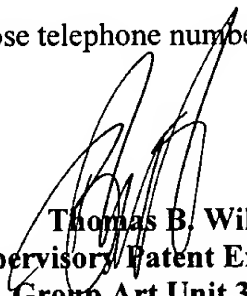
It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the accommodations for a hydraulic motor as taught by Bobard on the device of Couser in order to allow for various types of tool-driving means.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wheeler, Fujimoto et al, Van Wyk, and Hirooka et al have been cited as of interest. Fusilli has been cited for his use of a removable stand for resting a tractor tool when separated from the tractor. Please note that Bobard has specifically assigned the implement hitching mechanism for use on a straddling tractor.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-305-3597.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671